

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

TRACY GERARD ALLEN, #129 732,

Plaintiff,

v.

RICHARD ALLEN, *et al.*,

Defendants.

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CASE NO. 2:08-cv-465-WKW

ORDER

This case is before the court on plaintiff's objection (Doc. # 4) to the Recommendation of the Magistrate Judge (Doc. # 3). After an independent and *de novo* review of the file in this case and upon consideration of the Recommendation and plaintiff's Objection, it is ORDERED that:

1. The Objection to the Recommendation of the Magistrate Judge (Doc. # 4) is
OVERRULED;

2. The Recommendation of the Magistrate Judge (Doc. #3) is ADOPTED;

3. This case is DISMISSED without prejudice;

An appropriate judgment will be entered.

DONE this 30th day of July, 2008.

/s/ W. Keith Watkins
UNITED STATES DISTRICT JUDGE